

REGULATION

Appointing Authority Letter Reference:	Effective Date: August 20, 2000	Index Reference:	Regulation Number: 5.06
Issuing Bureau: Human Resource Services	Rule Reference: 5-4.1 <u>Civil Service Commission Rules 5-4.1, 5-4.2, 5-4.5</u>		Replaces: Compensation Procedure 6
Subject: COMPENSATION UNDER CONDITIONS OF GENERAL EMERGENCY			

1. PURPOSE

A. This regulation establishes the standards and procedures for compensating employees under conditions of general emergency.

2. CIVIL SERVICE COMMISSION RULE REFERENCE

A. Rule 5-4.1 Additional Compensation

An appointing authority may require an employee to work under special conditions. An eligible employee working under the following special conditions is paid the pay premiums provided in this rule in accordance with the regulations.

B. Rule 5-4.2 Overtime

- (a) **Eligibility.** The compensation schedules must identify each classification that is eligible for overtime pay. Overtime pay is paid to eligible employees for time in pay status in excess of 8 hours in a day and 40 hours in a week or as otherwise provided in the regulations.
- (b) **Rate.** The overtime rate of pay is one and one-half times the employee's regular rate of pay, as defined in the regulations. The regulations may provide for accrual of compensatory time at the premium rate instead of a cash payment.

C. Rule 5-4.5 Shift Differential

- (a) **Eligibility.** The compensation schedules must identify each classification that is eligible for shift differential premium. The shift differential premium is payable to an eligible employee for each shift in which more than 50 percent of the employee's regularly scheduled shift falls between 4:00 p.m. and 5:00 a.m.
- (b) **Rate.** The shift differential premium is 5 percent of an employee's regular rate.

3. STANDARDS

A. Definition — Conditions of general emergency include but are not necessarily limited to, severe or unusual weather, civil disturbance, loss of utilities, physical plant failures, or similar occurrences. Such conditions may be wide spread or limited to specific work locations.

B. Administrative Determination — When conditions in an affected area or specific location warrant, state facilities may be ordered closed or, if closure is not possible because of the necessity to continue services, a facility may be declared inaccessible. The decision to close a state facility or declare it inaccessible ~~shall be~~ at the full discretion of the Governor or designated representative.

1. The appointing authority is responsible for receiving and documenting the appropriate authorization for closure or declared inaccessibility.

C. Compensation

1. When a state facility is closed or declared inaccessible in accordance with this ~~procedureregulation~~, employees unable to report for work due to such conditions ~~shall be~~ granted administrative leave to cover their absence during normally scheduled hours of work for the period of closure or declared inaccessibility.

- a. An employee who is sent home under such conditions after completing a portion of the regularly scheduled shift ~~shall be~~ granted administrative leave for the balance of the shift.

- ~~b.2.~~ An employee may be required to work during situations of closure or declared inaccessibility. In these instances, the employee ~~shall be~~ compensated as follows:

- ~~(1)a.~~ At the employee's base rate of pay during all hours of the employee's regularly scheduled shift.

- ~~(2)b.~~ In accordance with the ~~procedureregulation~~ on overtime (~~Procedure 2, Page D-35~~) for all hours worked outside the employee's regularly scheduled shift.

- ~~(3)c.~~ In addition to pay, ~~the employee shall receive compensatory time credits on a straight time basis for all~~ an employee is granted paid time off

equal to the number of hours worked ~~(for both regularly scheduled and overtime hours)~~ during the period of closure or declared inaccessibility.

D. Additional ~~Timekeeping~~ Procedures

1. If a state facility has not been closed or declared inaccessible in accordance with the definition in this procedure, and an employee is unable to work because of such conditions, the employee ~~shall be~~ allowed to use annual leave or compensatory time credits to cover the absence from work. If the employee does not have sufficient credits, or the employee chooses, the employee ~~shall be~~ placed on lost time.
2. When an employee is absent from a scheduled work period, a portion of which is covered by a declaration of closure or inaccessibility, annual leave or compensatory credits may be used to cover that portion of the employee's absence not covered by administrative leave. If sufficient credits are not available, or the employee chooses, the employee ~~shall be~~ placed on lost time.
3. Employees who are absent due to sick or annual leave usage or who have previously scheduled annual leave during the period of closure or inaccessibility ~~shall be~~ not ~~be~~ entitled to administrative leave.
 - a. If an employee previously on sick or annual leave is scheduled to return to work while the building remains closed or inaccessible the employee ~~shall~~ then ~~become~~ eligible for such administrative leave for the remaining portion of closure or inaccessibility.
 - b. Employees who incur lost time as the result of application of this ~~procedure shall~~ regulation receive credit for a completed bi-weekly work period for all other purposes.

CONTACT

Questions regarding this regulation should be directed to the Department of Civil Service, P.O. Box 30002, 400 South Pine Street, Lansing, Michigan 48909, (517) 335-7862 or (517) 373-7618, or MDCS@state.mi.us.

NOTE: Regulations are issued by the State Personnel Director under authority

granted in the State of Michigan Constitution and the Michigan Civil Service Commission Rules. Regulations that implement Commission Rules are subordinate to those Rules.